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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

January 20, 1983

**CERTIFIED MAIL -
RETURN RECEIPT REQUESTED**

Dr. Norman Samuels
Acting Provost
Rutgers University
15 Washington Street
Newark, NJ 07102

Superfund Records Center

SITE: PicilloBREAK: 11.9

OTHER: _____

Re: Picillo Waste Disposal Site
Coventry, Rhode Island

Dear Dr. Samuels:

This letter is to notify you of potential liability that Rutgers University may incur or may have incurred in connection with the above-referenced hazardous waste disposal facility and to request your assistance in cleanup activities at the site.

The U.S. Environmental Protection Agency (EPA) has determined that an actual release or a substantial threat of a release of hazardous substances, as defined in Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9601 et seq. (CERCLA), has occurred at the above-referenced site. EPA has expended public funds in emergency and planned removal activities in response to immediate environmental hazards on the site. In addition, EPA and the State of Rhode Island have entered a Cooperative Agreement to conduct the longer term-remedial phases of the site cleanup. This Cooperative Agreement has provided funding for a number of remedial activities including site security, excavation and disposal of buried drums and contaminated soils, monitoring, sampling and analysis. At present, the Cooperative Agreement is providing funding for a feasibility study and for the design of a final site remedy. Finally, long term remedial actions may be undertaken, including remedial construction, operation and maintenance, as required by site conditions. These response activities are authorized by Section 104(a)(1) of CERCLA.

Under Section 107 of CERCLA, certain responsible parties may be liable for money expended for response activities at the site, including investigation, planning, cleanup measures, and enforcement. Potentially liable parties include the current owners or operators of the site, past owners or operators, and persons who generated or transported the hazardous substances that were disposed of at the site.

Based on information which has been obtained during site cleanup activities, EPA believes that Rutgers University may be a responsible party with respect to this site and may therefore be liable for public funds expended in response activities at the site. Before EPA undertakes further response activities, we desire to discuss with an appropriate official your voluntary involvement in the measures necessary to remedy the hazardous waste problems presently found at the site. In addition, we seek to discuss the recovery of those costs incurred by EPA in response activities to date and those costs projected to be incurred by EPA under the Cooperative Agreement discussed above.

If Rutgers University wishes to pursue a negotiated resolution of its liability under CERCLA or other laws with respect to this site, please so notify EPA, in writing, no later than February 7, 1983. Your letter should indicate the name, address, and telephone number of an appropriate official for further contact on this matter. It should also include a statement of the type and the extent of the activities you may be willing to undertake. Where you are already involved in discussions with state or local authorities, or are engaged in voluntary action to clean up the site, these activities should be continued and their status should be reported in your letter. Your letter should be sent to:

Joel G. Blumstein
U.S. Environmental Protection Agency
Office of Regional Counsel
JFK Federal Building, Room 2203
Boston, MA 02203

If your response indicates your willingness to enter into meaningful negotiations, we will contact you to schedule a meeting.

You should be aware that letters similar to this one have been sent this date to other parties who EPA believes may be responsible, offering to those parties a similar opportunity to enter negotiations with EPA. If you wish to obtain from EPA a list of those parties, you should submit a written request for that information to Mr. Blumstein.

If you need further information, you may contact Mr. Blumstein at (617) 223-5779. If your written response is not received by February 7, 1983, we will assume that you have declined to participate in voluntary response activities or in any other negotiated resolution of this matter.

Sincerely yours,

Merrill S. Hohman, Director
Waste Management Division

cc: Regional Counsel, Region I
Director, Office of Emergency and Remedial Response
Director, Office of Waste Programs Enforcement
Office of Enforcement Counsel
Daniel J. Schatz, Rhode Island Department of Attorney General
Thomas Wright, Rhode Island Department of Environmental
Management
Elaine C. Britt, Rutgers Assistant University Counsel,
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+ 12/15
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